



## Mid-Month Council Meeting Minutes September 23, 2015

### 7:00 pm - Meeting

#### I. Call to Order: 7:04 pm

#### II. Opening Ceremonies

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
- b. Recognition of Visitors: Terry Mobley, Maurice Mobley, Dwain Haines, Al Harrington
- c. Pledge of Allegiance: Pledge was said.
- d. Announcements: The 10<sup>th</sup> annual fair and parade are Saturday; hope to see you all there.

#### III. Additions/Deletions to Published Agenda

- a. CM Ness motioned, CM Sutton seconded with unanimous vote to approve the agenda as written.

#### IV. Council Minutes

- a. Approval of August 19, 2015 Mid-month minutes
  - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.
- b. Approval of September 2, 2015 Council minutes
  - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.

#### V. Mayor's Report

- a. Introduction of Ordinance No. 15-07: An Act to Amend Title 22 of the Delaware Code Relating to Possession of Firearms in Municipal Buildings
  - Mayor Hatton explained this bill came through leg hall at the end of session which prevents carrying firearms in municipal buildings or on municipal property.
  - CM Ness motioned, CM Sutton seconded with unanimous vote to have a public hearing and final reading of Ordinance No. 15-07 on 10/7/15 at 7:00 pm prior to the Council meeting and possibly approve the ordinance during the Council meeting.
  - Mayor Hatton said the Town was recently contacted by DelDot about starting Phase II of the streetscape and wants to set up meetings.
  - Mayor Hatton stated he talked to the realtor listing the property at Rt. 71 and Pine Tree Corner Road. We as a Town may have to do a couple things for the property to sell; the parcel is shaped like a flag. We may have to go back to PLUS about getting some property annexed next to the property. We will wait and see.

#### VI. Reports

- a. Fred Townsend III, Town Attorney
  - Senate bill 70 was passed transferring the school property to the Town. We have prepared a deed for Richard Forston, President of the School Board to sign. The Board attorneys are reviewing the deed now. There are some forms that go with the recording of the deed that Mayor Hatton will have to sign; no transfer taxes will be due.
- b. Owen Hyne, Town Engineer
  - TVI and TVII, Gray Street Properties and Townsend Properties are getting ready to pave and wrap up portions of those developments. There is paint sprayed on the pavement in both developments showing problem areas that have to be repaired prior to top coating. A lot is marked in TVI. There is also some curb repairs per ADA requirements to be done.
  - CM Ness asked when we do inspections.

- TE Hyne stated it will be inspected throughout the process. Once the Town accepts responsibility for the roads, there is still a 2 year maintenance agreement for repairs they will be responsible for.

- Mayor Hatton said he called the Municipal Street Aide (MSA) office at the state and they made some recommendations. We must put a request for MSA funds as soon as we take responsibility for streets but won't get funds until the following year. MSA recommended the developer do some things before we take over the roads. Will send the list of requirements to TE Hyne.

- TM Green asked if the issue with the streets was resolved with the HOA. He explained that Rob Allen thought the HOA would be responsible for the streets.

- Mayor Hatton stated the streets are the Town's and our rules supersede the HOA rules. The Town would be in jeopardy of our agreement with the State if anyone else took care of the streets. The HOA is only responsible for the open spaces.

c. Dawson Green, Town Manager

- Mountaire Farms started their dryer for the first time last week. It did cut down on the bees wings but did throw dust and we had a few complaints. They are going to try to not run the dryer if possible and the engineer is going to look into controlling the dust.

- Dollar General had their recycle bins sitting out front yesterday. Their warehouse is in Philadelphia and had to do this temporarily because of the Pope's visit.

- TA Townsend sent me the bylaws for the planning commission but I haven't had a chance to look at them yet, will send to Council tomorrow.

- Talked to 3 companies and another one is scheduled for tomorrow to get estimates for security at the new Town Hall. We are pricing everything separately. The walls should be open another 10 days to enable us to run wires prior to drywall.

- CM Sutton asked if the conduit is going in for future use. TM Green said yes, for the card access.

- CW Gorman asked if the future sign and outside lighting is being addressed.

- TM Green stated the contractor has to talk to CM Sutton and TE Hyne about it.

- TE Hyne added it was discussed in a meeting today. He suggested Council design the outside sign first and install it at the same time the conduit is run outside. Need to know where the sign will be.

- TM Green asked about lighting for the handicap ramp.

- TE Hyne said there will be lights along the side of the building where the ramp will be.

- TM Green added there will be fog lights in the back. Our ordinance requires lights at night in parking areas that will be used.

- There was a discussion about lighting in the parking lot. TE Hyne will talk to Delmarva making the street light at the entrance a double cobra light.

- When site construction starts, all the contractors will be parking down the one side of Ginn Street.

- Mayor Hatton asked what the verdict was from the meeting with Andy at NCC Conservation District.

- TM Green said Suppi will have to put in a new construction entrance and all new perimeter control. The silt fence was installed wrong from the beginning as was the construction entrance.

## **VII. Committee Reports**

a. Finance: Chair – Mayor Jermaine Hatton

- We have had 10 new home permits submitted since July 1<sup>st</sup>. I asked TM Green to reach out to the contractors to see how many more new home permits they plan on submitting this calendar year. JS Homes hasn't got back yet, but they are almost built out in TVII West. Handler is projecting 15-16 new home permits by December 31<sup>st</sup>. Many of them will be on Ginn Street in TVII East. Based on these numbers we will hit our budgeted number of 26 new home permits by the end of this year which makes our budget look very strong going into the new year. This will also increase property transfer fees. Very pleased. Looking at starting a new phase in TVII East.

b. Public Works: Chair - CM Rudy Sutton

- Update on 141 Main Street – New Town Hall
- CM Sutton stated TE Hyne will give the update; he hasn't been able to stop by the site.
- TE Hyne said the pre-construction meeting for the site work was held today. Waiting until

after the fair to start physical construction. Should put the ENS controls in next week and then do the grading. Also pushing to get the sewer lateral done, this is the deepest lateral. Talked to Affordable and Suppi to co-ordinate where they will park vehicles and equipment. Will only park on the east side of Ginn Street, can't park on Main Street. Apparently it is posted no parking on Main. The contractor will be providing door knockers to all the neighbors several days before they start the work. The site work along Main Street will wait until we get permission from DelDot. The building construction work – has all the receptacles, duct work and wiring. Once all done, will put in spray foam insulation. Would like a walk through before the insulation to ensure everyone is happy. They have ordered the windows, all is moving along.

- CM Sutton asked when the windows will go in. He said the windows should go in before the insulation. Concerned about moisture being trapped.

- TE Hyne said he will get the date but believes they can do the windows after the insulation.

c. Land Use & Development: Chair – Mayor Jermaine Hatton

- There is a zoning committee meeting scheduled for next Wednesday which has been re-scheduled to Wednesday 10/7/15.

- We need to start our 5 year update to the comp plan. The IPA will assist us with this. I will also reach out to the County about the parcels along Rt. 71 and Pine Tree Corner Road. As soon as I have any information I will pass it along. This could be really important.

- There are other avenues we can research for sewer. There is some allocated sewer in our sewer district that isn't being utilized. It belongs to Middletown; they paid for it and are willing to give us a portion of it since they don't need it; they have their own sewer treatment plant. Now it is up to the County.

d. Public Safety: Chair – CM John Ness

- Used Code Red transmission system to the entire Town for an announcement of the fair. Also did one to the residents on Main Street asking them not to park on the street during the parade.

- State police will do a K-9 demonstration at 11:30 am; the helicopter is landing at 1:30 pm. Fingerprinting will also be there. Talked to Peter Bowers and there will be 12 scouts helping with parking.

- Mayor Hatton said Austin and Bednash will bring us 12 large traffic cones to use to help control traffic and parking.

- Mayor Hatton added he got the signed contract from code red today and it has been scanned into the system.

e. Community Relations: Chair – CW Cindy Cook – not here

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Town Fair – 10<sup>th</sup> Anniversary – Saturday – 9/26/15 – Parade @ 10:00 am, Fair 11:00 am – 3:00 pm

- CW Gorman passed all of Council the vendor and parade list. We have 63 entries in the parade, larger than last year. There are 104 vendors signed up and all the vendor spots are marked in the park, ready to go.

- Volunteers – CM Ness is filling in parade names. There are 3 National Honor Society students coming. Ted & Irene Jagielski will be there. Mrs. Mobley and Maurice are coming. Sheryl and Joe Rojas and Cathy and I will direct the vendors. Mission Church is manning all the bounces and the train rides. The girl scouts and clowns will be handing out balloons. Melissa and her daughters will be blowing up balloons and the girls will be clowns in the parade handing them out. CM Sutton is handling all the contests and has his own volunteer squad. My daughter Dana will be taking pictures but ask all to take pictures with your phones. The judges for the parade are the Mayor of Smyrna, the Mayor of Elsmere and Councilman Faulkner from Middletown. They will sit at a table in front of the new Town

Hall. There will be a sign showing where they are for the parade participants. Cathy picked up the trophies today.

- CW Gorman said Handler is working on a house right in front of Edgar Road. We are closing Edgar Road for the parade. She asked TM Green to notify them so they aren't working Saturday morning on the house as all the contractors' park on the road.
- Not sure what is going on with the Town games and CW Cook isn't here.
- The Jagielski's donated a large stuffed animal that we will auction off. Need cash for sale of t-shirts, change for the raffle tickets and pizza's for the volunteers.
- The NCC EMT's called and asked if they could come to be on site in case we have a need for them, so there will be an EMT table.
- Council will meet at Town Hall at 7:00 am to load up to take everything to the park.
- Mayor Hatton said he is really excited; this is going to be huge. Our fair and parade is showing up on everyone's radar now. He thanked CW Gorman for all her hard work and dedication to this event.

**VIII. Citizens Comments & Participation:**

a. Mr. Harrington said 3 neighbors came up to him about the grainary. When they started it Monday the cars were completely covered with dust. By Tuesday and Wednesday the dust was way down; really think it was just a blow-out, only a few flakes in the air.

b. Mr. Harrington said he pointed out that there were a lot of residents at the meeting complaining about all the dust and only three of us showed up when 5 of the grainary reps came back to explain the solutions they came up with. He told all of them they need to attend the meetings.

**IX. Motion to Adjourn for Executive Session:** 8:15 pm, CM Ness motioned, CM Sutton seconded with unanimous vote to adjourn for executive session.

**X. Executive Session: Potential Litigation**

a. Strategy session involving legal advice or opinion with respect to potential litigation where an open meeting would have an adverse effect on the Town's litigation position, pursuant to 29 Del. C. §10004(b)(4).

**XI. Motion to close Executive Session & Re-convene Mid-Month Meeting:** 9:14 pm, CM Sutton motioned, CW Gorman seconded with unanimous vote.

**XII. Adjournment:** 9:15 pm, CM Sutton motioned, CW Gorman seconded with unanimous vote.

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